

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated July 21, 2009. Claims 19-36 are pending in this Application and Claims 19-36 are rejected. In the amendment, Claims 19-23, 25-28, and 31-36 and the specification are amended. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

Information Disclosure Statement

In the Office Action, the Examiner states that the IDS filed April 21, 2006 has been placed in the application file, but the information referred to therein has not been considered because English language translations have not been provided. Applicants respectfully submit that a supplemental IDS has been filed concurrently with this Response listing three US publications that correspond to three of the foreign references listed in the IDS filed April 21, 2006. Specifically, U.S. Patent No. 5,974,401 corresponds to JP 10-78618, U.S. Publication No. 2002-0054325 corresponds to JP 2002-19195, and U.S. Publication No. 2006-0235763 corresponds to JP 2002-171375.

Objection to Specification

In the Office Action, the abstract of the disclosure is objected to because it contains more than 150 words. In response, Applicants have amended the abstract of the disclosure to contain fewer than 150 words. Accordingly, Applicants respectfully request this objection be reconsidered and withdrawn.

Rejections under 35 U.S.C. 112

In the Office Action, Claims 20, 26, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that the term "multilevel-image processing" is not clearly understood or defined in the specification.

For clarity, Claims 20, 26, and 32 have been amended to recite, in part, "wherein each of the at least two image-processing-mode-selection images represents a different level of image processing of the image-processing mode." The amendment is fully supported by the

specification. For example, Applicants disclose a three-level hue mode and a three-level brightness mode as examples of multi-image processing. The three levels of brightness or hue are each represented by an image. Published specification, paragraphs [0034] and [0035] and Figs. 3 and 4.

Accordingly, Applicants respectfully request the 35 U.S.C. 112 rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. 101

In the Office Action, Claims 19-24 and 31-36 are rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Applicants respectfully traverse the rejections for at least the reasons set forth below.

Regarding independent Claim 19, the Examiner states "the claim as a whole appears to be nothing more than a 'system' of software elements, thus defining functional descriptive material per se." Office Action, page 4. In response, Claim 19 has been amended to recite, in part, "a printer for executing print processing in the image-processing mode." The amendment is fully supported by the specification. For example, see paragraph [0027] of the published specification. Applicants respectfully submit that a printer is not a software element, and that Claim 19 is directed to statutory subject matter.

Regarding Claims 31-36, the Examiner states "the claims do not define a 'computer-readable storage medium or computer-readable memory' and is thus non-statutory." Office Action, page 6. In response, independent Claim 31 has been amended to recite, in part, "A computer readable medium storing a program." In light of the amendment, Applicants respectfully submit that Claim 31 is directed to statutory subject matter.

Accordingly, Applicants respectfully request that the 35 U.S.C. 101 rejections with respect to independent Claims 19 and 31, and the claims that depend thereon, be reconsidered and the rejections withdrawn.

Rejections under 35 U.S.C. 102

In the Office Action, Claims 19-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0053247 to Sowinski et al. ("Sowinski"). Applicants respectfully traverse the rejection for at least the reasons set forth below.

Claim 19 has been amended to recite, in part, "selection-inquiry means for inquiring about which of a sample image stored in an image database in advance and the image data transmitted from the user terminal the user wants to select as an image-processing-mode-selection image." Claims 25 and 31 are similarly amended. The amendment is fully supported by the specification. For example, see paragraph [0032] and Fig. 2 of the published specification. Moreover, similar language was previously recited in Claims 22, 28, and 34.

The Examiner states that Sowinski teaches "[t]he categories in the left hand column of Fig. 4A are giving the user the option to select a previous picture ('MY PICTURES'), and a sample image ('SELECT LOOKS')." Office Action, page 12. Applicants respectfully disagree and submit "SELECT LOOKS" does not give the user an option to select a sample image. The "MY PICTURES" in the left hand column allows the user to select the current photos, recently ordered photos, or archived photos (all owned by the user) to apply the different looks to. Sowinski, paragraphs [0134]-[0135]. Sowinski's detailed description does not specifically describe what the "SELECT LOOKS" in the left hand column is used for. However, "SELECT LOOKS" appears to provide the same function as the "SELECT PICTURE LOOKS" of the right hand column. For example, "I'll Choose" and "Autoselect" of the left hand column appear to coincide with "I'LL PICK MY PICTURE LOOKS MYSELF" (803) and "SELECT MY PICTURE LOOKS FOR ME" (804) of the right hand column, respectively. Sowinski, paragraphs [0054]-[0055]. Thus, all the options under "SELECT LOOKS" of the left hand column and "SELECT PICTURE LOOKS" of the right hand column apply different looks to "MY PICTURES" (the user owned photos) and do not give the user an option to select a sample image to apply looks to. Therefore, Sowinski fails to disclose or suggest "inquiring about which of a sample image stored in an image database in advance and the image data transmitted from the user terminal the user wants to select as an image-processing-mode-selection image" as claimed.

Accordingly, Applicants respectfully request the anticipation rejection with respect to independent Claims 19, 25, and 31, and the claims that depend thereon, be reconsidered and the rejection withdrawn.

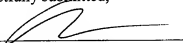
Conclusion

For at least the foregoing reasons, Applicants respectfully submit the present application is in condition for allowance and earnestly solicit reconsideration of the same.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

BY


Thomas C. Basso
Reg. No. 46,541
Customer. No. 29175

Dated: October 20, 2009